

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

WEST VIRGINIA ADVOCATES, INC.,

Plaintiff,

v.

Civil Action No. 1:07CV123  
(STAMP)

MARTHA WALKER, Secretary of the  
West Virginia Department of Health  
and Human Resources,  
JOHN E. BIANCONI, Commissioner of  
the Bureau for Behavioral Health  
and Health Facilities and  
VICTORIA PARLIER JONES,  
Deputy Commissioner of the Bureau for  
Behavioral Health and Health Facilities,

Defendants.

**ORDER SCHEDULING STATUS AND SCHEDULING CONFERENCE**

The Court has received and reviewed the parties' planning meeting report filed by counsel pursuant to Rule 26(f) on October 26, 2007. Although the scheduling order the parties have proposed may be appropriate, it fails to account for certain matters that the parties may wish to consider (i.e., deadlines for expert designations, independent physical examinations or inspection of property, joinder, and amendments to pleadings). Therefore, this Court finds that it would be beneficial to conduct a status and scheduling conference in this case.

Accordingly, it is ORDERED that a status and scheduling conference will be held on **November 7, 2007 at 3:15 p.m.** in the chambers of Judge Frederick P. Stamp, Jr., Federal Building, Twelfth and Chapline Streets, Wheeling, West Virginia 26003.

Counsel should be prepared to discuss their discovery and trial preparation requirements with the Court. The discovery cutoff date, as well as a dispositive motion cutoff date and a trial date will be established at the status and scheduling conference.

The Court will permit those out-of-town attorneys having their offices further than forty miles from the Wheeling point of holding court to participate in the conference by telephone. However, any such attorney shall advise the Court prior to the conference of his or her intention to participate by telephone and shall (1) inform all counsel of his or her appearance by telephone; (2) confer with other out-of-town attorneys to determine if they wish to appear by telephone; (3) advise the Court of the name of the attorney who will initiate the conference call and all such attorneys appearing by telephone; and (4) initiate a timely conference telephone call with such attorneys to the Court at 304/233-1120 at the time of the scheduled conference. If the attorneys cannot reach agreement as to the initiator of the call, the Court will make that determination.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: November 2, 2007

/s/ Frederick P. Stamp, Jr.  
FREDERICK P. STAMP, JR.  
UNITED STATES DISTRICT JUDGE